

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/841,249
Attorney Docket No. Q64260

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1, 5, 6, 9 and 13 have been amended and new claims 21-24 have been added. Support for these amendments is found in the specification on page 15, lines 10-21 and page 18, lines 1-12. Claims 2-4, 7, 8 and 10-12 have also been canceled. Claims 1, 5, 6, 9 and 13 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

Rejection Under 35 U.S.C. § 102(b) - Oshima et al.

Claims 1, 5, 6, 9 and 13 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Oshima et al. EP 0 802,527; hereinafter "Oshima"). The rejection is respectfully traversed.

Regarding amended claim 1, Applicants' claimed invention relates to an information distributing apparatus comprising a generating device, an encrypting device and a distributing device. The generating device generates encryption information for use in encrypting record information to be recorded in a recordable information recording medium and in decrypting the encrypted record information to be recorded in the recordable information recording medium. The encryption information is encrypted by CSS (Content Scramble System) and is recorded in the recordable information recording medium.

Applicants respectfully submit that the disclosure of Oshima does not anticipate the claimed invention. Oshima discloses an optical disk recording device using a network, in which keys are recorded on the optical disks and used in user authorization procedures. As shown in

Figure 10, a Burst Cutting Area (BCA) of an optical disk, which includes IDs and decoding keys, is recorded in a RAM disk. Thus, user ID numbers and the decoding keys are automatically distributed to users when the optical disks are distributed to the users.

However, there is no mention in Oshima that encryption information is encrypted by CSS (Content Scramble System). Oshima does not employ CSS (Content Scramble System), and thus it becomes a necessity in Oshima to prepare a dedicated algorithm dedicated to Oshima's apparatus. Contents which are encrypted by a method of Oshima and recorded in DVD-RAM cannot be reproduced by a general DVD player.

Applicants have adopted CSS (Content Scramble System) in an encryption system in DVD-VIDEO. Therefore, since the encryption information is encrypted by CSS (Content Scramble System) and recorded in DVD-RW, contents which are encrypted by employing the encryption information and recorded in DVD-RW can be reproduced by a general DVD player.

At least by virtue of the aforementioned differences, the invention defined by Applicants' claim 1 is patentable over Oshima. Applicants' claims 5, 9 and 13 are corresponding apparatus and method claims which recite similar elements. Therefore, claims 5, 9 and 13 are also distinguished over Oshima for at least the aforementioned reasons. Claim 6 is a dependent claim including all of the elements of independent claim 5, which, as established above, distinguishes over Oshima. Therefore, claim 6 is distinguished over Oshima for at least the aforementioned reasons as well for its additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(a) are respectfully requested.

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Newly Added Claims

Claims 21-24 are newly added by this Amendment and are believed to be in condition for allowance. Claims 21-24 are allowable for their additionally recited features, and also based on their dependencies on claims 1, 5, 9 and 13, respectively, which, as established above, distinguishes over Oshima.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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CUSTOMER NUMBER


Lenny R. Jiang
Registration No. 52,432

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